THE HON'BLE SRI JUSTICE E. DHARMA RAO

And

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

-

WRIT PETITION No.22398 OF 2005

Dated: 14.10.2005

Between

Ram Reddy, S/o Malla Reddy.

..Petitioner

And

1. The Director of School Education,

Government of A.P., Hyderabad and three

Others.

..Respondents.

THE HON'BLE SRI JUSTICE E. DHARMA RAO

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WRIT PETITION No.22398 OF 2005

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ORDER: (Per Hon'ble Sri E. Dharma Rao, J)

The present writ petition is filed seeking a direction, in the nature of writ of Mandamus, to declare the order, dated 13.10.2005 in O.A.No.6252 of 2005 on the file of the A.P. Administrative Tribunal, Hyderabad and consequently, to restrain the respondents from implementing Para 5 and 7 of the Proceedings in Rc.No.1200/C3-1/2005, dated 11.8.2005 issued by the 1st respondent till disposal of the O.A.

It is the case of the writ petitioner that the Government issued rules relating to transfer of teachers of A.P. School Education State and Subordinate Service, under G.O.Ms.No.102, dated 5.08.2005 while exercising powers under sub-Section (2) of Section 5 and sub-Section (1) of Section 12 of A.P. School Edcuation Teachers and other employees (Abolition of existing service cadres and Regulation of recruitment and conditions of Service) Ordinance 2005. As per the above G.O., category IV (3) (iii), Ten points shall be awarded for teachers, whose spouse is working in Government or Public sector of Local body or Aided Institutions, while affecting transfers. It is also the case of the petitioner that on the representation made by the Union, the Director issued certain clarifications through proceedings dated 11.8.2005. Questioning the jurisdiction of the Director in issuing the clarification proceedings, the petitioner filed the above O.A.

The Tribunal, while admitting the O.A., ordered notice to the respondents. Aggrieved by the same, the petitioner filed the present writ petition.

The learned Counsel for the petitioner contended that the Director has no jurisdiction to give clarification on the Rules issued by the Government. He further contended that as the Tribunal ordered notice and no stay has been granted, the affect of transfers of teachers will go on and the purpose of filing the O.A. will be defeated.

Perused the material available on record.

The contentions raised by the learned Counsel for the petitioner as to the transfers, benefit of weightage and existing Rules in affecting transfers are all the issues involved in the O.A. and at this stage of the proceedings, if any finding given, it may touch the very merits of the O.A. However, in view of the facts and circumstances of the case and taking the submission of the learned Counsel for the petitioner into consideration that the department is going to affect the transfer of the teachers on 16.10.2005, we deem it appropriate to direct the respondents to consider the case of the petitioner, without giving effect to the paragraphs 5 and 7 of the guidelines in the proceedings impugned dated 11.8.2005.

Subject to the above observation, the writ petition is disposed of. No order as to costs.

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JUSTICE E. DHARMA RAO

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JUSTICE R. SUBHASH REDDY

Dated:14.10.2005

Note:

Communicate operative portion

By wire at party’s cost.

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